

E-FILED - 12/8/09

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA

RANDALL WAYNE GRIMES,

No. C 09-3192 RMW (PR)

Plaintiff,

ORDER OF DISMISSAL WITHOUT
PREJUDICE

v.

LT. BERRY,

Defendant.

Plaintiff, a state prisoner, filed the present pro se prisoner complaint under 42 U.S.C. § 1983. On that same date the clerk of the court sent a notice to plaintiff, informing him that his action could not go forward until he paid the filing fee or filed a completed prisoner's in forma pauperis application. The clerk sent plaintiff a blank in forma pauperis application and told him that he must pay the fee or return the completed application within thirty days or his action would be dismissed.

On August 20, 2009, plaintiff filed a motion for extension of time to file his in forma pauperis application. On September 22, 2009, the court granted plaintiff's extension of time for thirty days to file his in forma pauperis application. More than thirty days have passed and plaintiff has not paid the filing fee, returned the in forma pauperis application or otherwise communicated with the court.

1 Accordingly, this action is DISMISSED WITHOUT PREJUDICE. The clerk of the
2 court shall close the file.

3 IT IS SO ORDERED.

4 DATED: __ 12/7/09 ____


RONALD M. WHYTE
United States District Judge

United States District Court
For the Northern District of California